THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.4799 OF 2007

Between:

1. P.Jafar Ali Khan
2. Dilshad Begum

.....Petitioners

Vs.

1.Municipal Corporation of Kadapa, rep. By its Commissioner, Kadapa District.

2. Roads & Buildings Department, represented by is Executive Engineer, Kadapa,

....Respondents.

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O R D E R:

This writ petition is filed on an apprehension that the petitioners' ownership, peaceful enjoyment and possession of properties bearing Municipal Door Nos.3/77, 3/78, Naik Saab Street, Christian Lane West, Kadapa would be interfered with and the constructions therein demolished without following due process of law.

The petitioners allege that on 02.03.2007, officials of the first respondent came upon the properties and made markings and informed that they would demolish the same for the purpose of road widening. It is alleged that the staff of respondent No.1 were accompanied by the staff of the second respondent for the purpose of

marking.

On instructions from the first respondent, Sri S.Isaac Newton, the learned Standing Counsel states that the first respondent would not take any steps either to enter upon the petitioners' premises or even to make markings for dispossession of the petitioners or to demolish the properties, without following the due process of law and that the possession to the extent of the property required for road widening if any, would be obtained only with the written consent of the petitioners or by initiating formal proceedings for acquisition of the properties, under the provisions of the Land Acquisition Act or any other Act for the time being in force which enable acquisition of the land for the purpose of road widening.

In view of the statement made by the learned counsel Sri Isaac Newton on behalf of the first respondent, no further proceedings are warranted.

The writ petition is accordingly dismissed as infructuous, at the stage of admission. No costs.

GODA RAGHURAM J.,

Dt.09.03.2007
tjs